

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**TANYA L. JEFFERSON,**

**Plaintiff,**

**v.**

**1:15-cv-14-WSD**

**ROGERS & HARDIN, LLP,**

**Defendant.**

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**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge E. Clayton Scofield III's Final Report and Recommendation [4] ("R&R"). The R&R recommends dismissal of this action because Plaintiff Tanya L. Jefferson ("Plaintiff") failed to serve her Complaint [3] on Defendant Rogers & Hardin, LLP ("Defendant").

On January 2, 2015, Plaintiff, *pro se*, filed her application to proceed *in forma pauperis* [1] ("Application"). On January 16, 2015, the Magistrate Judge granted Plaintiff's Application and accepted Plaintiff's Complaint.

Rule 4(m) of the Federal Rules of Civil Procedure in effect in January 2015 provided that "[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss

the action without prejudice against that defendant or order that service be made within a specified time.”<sup>1</sup>

Plaintiff failed to serve Defendant by the 120-day deadline. On June 11, 2015, the Magistrate Judge issued his R&R. In it, the Magistrate Judge recommends Plaintiff’s complaint be dismissed without prejudice. The Magistrate Judge noted that the R&R “constitutes notice of dismissal as required under Rule 4(m).” (R&R at 2 (citing Anderson v. Osh Kosh B’Gosh, 255 F. App’x 345, 348 (11th Cir. 2006))).

On June 23, 2015, Plaintiff filed her Objections to the R&R [6]. Plaintiff submits the following purported objections: “Plaintiff has a disability . . .[;] Plaintiff has been a patient of Emory Psychiatry since November 2013[;] Plaintiff’s disability symptoms affect her academic and person life making it difficult to meet demands and deadlines[; and] Plaintiff represents herself although she is not an attorney.” (Obj. at 1).

More than nine months after the R&R gave Plaintiff notice that failure to serve Defendant would result in dismissal of this action, Plaintiff still has not served Defendant. That Plaintiff is disabled does not provide good cause for her

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<sup>1</sup> On December 1, 2015, Rule 4(m) was amended to allow a plaintiff 90 days, rather than 120 days, to serve a complaint.

failure to comply with the requirements of the Federal Rules of Civil Procedure.

This action is dismissed.


For the foregoing reasons,

**IT IS HEREBY ORDERED** that Plaintiff's Objections to the R&R [6] are **OVERRULED**.

**IT IS FURTHER ORDERED** that Magistrate Judge E. Clayton Scofield III's Final Report and Recommendation [4] is **ADOPTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 4(m).

**SO ORDERED** this 24th day of March, 2016.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE